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HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4054 OF 2006.

Lawyers' Chambers Premises Co-op. Society Limited. ..Petitioner.

Versus.

Smt. Vinod C. Shetty. ..Respondent.

V. Y. Sanglikar for the petitioner.

Anupama B. Shah for the respondents.

CORAM: S.J. VAZIFDAR, J.

DATE: JANUARY 18, 2007.

P.C.

1. Rule. Rule returnable and heard forthwith.

2. There is no objection by the petitioner for giving inspection to the respondent. The respondent's grievance to that effect stands redressed.

3. The only question is whether the appointment of the Court Commissioner shall justify in the facts and circumstances of the case. The application of the respondent No.1 itself makes it abundantly clear that the sole purpose was to collect evidence. It is settled

law that this is not permissible. The application was not merely for inspection. Had it been for that purpose only, the matter would have been different.

4. The respondent seeks leave to appoint Architect for the purpose of ascertaining whether or not the work has been carried out as alleged, especially in respect of the premises in the use and occupation of respondent no.1. Respondent no.1 is always at liberty to do so at her own cost. The petitioner agrees and undertakes to permit the Architect to inspect the building for this purpose after due notice.

5. The impugned order is set aside. Rule is accordingly made absolute in the above terms.